

**HOUSE BILL NO. 132**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVE BRICE**

**Introduced: 2/5/93**

**Referred: Resources, Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act extending the time period of all permits issued by the state relating to  
2 the extraction or removal of resources if the holder of the permits is involved  
3 in litigation concerning the issuance or validity of any permit related to the  
4 extraction or removal."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 46.35 is amended by adding a new section to read:

7 **ARTICLE 2. EXTENSION OF RESOURCE EXTRACTION**  
8 **OR REMOVAL RELATED PERMITS.**

9 **Sec. 46.35.300. EXTENSION OF RESOURCE EXTRACTION OR**  
10 **REMOVAL RELATED PERMITS. (a) The time period of all permits relating to**  
11 **resource extraction or removal in the state that are issued by any agency of the state**  
12 **shall be extended by the agencies issuing the permits if the holder of the permits**  
13 **(1) is sued by a person other than the state concerning the issuance or**  
14 **validity of any state or federal permit that is related to the resource extraction or**

1 removal;

2 (2) is prevented from engaging in the resource extraction or removal  
3 related activity authorized by the permits due to an order of the court in which the  
4 litigation is pending;

5 (3) is successful in the litigation and the suit is dismissed with  
6 prejudice or judgment is granted to the holder of the permits; and

7 (4) notifies the department of the litigation, the order preventing the  
8 resource extraction or removal related activity authorized by the permits, and the  
9 successful decision of the suit in favor of the holder of the permits.

10 (b) The length of an extension under (a) of this section shall be equal to the  
11 period of time the holder of the permits was prevented from engaging in the activity  
12 authorized by the permits due to the order of the court.

13 (c) An extension of time under (a) of this section shall be considered to be part  
14 of the time period of the original permits and when extending the permits a department  
15 may not impose a fee or a charge for the extension or for the right to engage in the  
16 activity authorized by the permits during the term of the extension except as provided  
17 in the original permits.

18 \* **Sec. 2. APPLICABILITY.** Section 1 of this Act applies to all permits relating to  
19 resource extraction or removal that are affected by litigation relating to the issuance or validity  
20 of a permit related to the extraction or removal if the suit is filed after the effective date of  
21 this Act.